

**TRIBUNAL FOR CONSUMER CLAIMS IN MALAYSIA: A REVIEW ON
THE PROTECTION FOR CONSUMERS**

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appropriate credit has been given where reference has been made to the work of
others

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ABSTRACT

The objective of this research is to study the role and functions of the Tribunal for Consumer Claims. This research provides an overview on Tribunal in Malaysia, the law that governs the Tribunal which is the Consumer Protection Act 1999. The Tribunal established under the section 85, Part XII of the Consumer Protection Act 1999 which took effect on 15 October 1999.

The Tribunal is different from the civil court, where the Tribunal does not permitted the parties to be represented by any legal personnel and its limitation. Here, the historical background is briefly discussed and the current position of consumer protection law after the amendment of the Act. Furthermore, this research covered the legal administration of the Tribunal.

This research had analyzed the effectiveness of the Tribunal based on all information and data gathered. Apart from that, this research identifies the effectiveness based on the commentaries on the Act itself. After identifying whether the Tribunal has achieved its goal in protecting the consumers' right, this research has provided some recommendations for the improvement of the Tribunal in future.

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CHAPTER 1

1.1 TITLE

TRIBUNAL FOR CONSUMER CLAIMS IN MALAYSIA: A REVIEW ON THE PROTECTION FOR THE CONSUMERS.

1.2 INTRODUCTION

The Tribunal for Consumer Claims is a body established on 15 November 1999 under section 85, Part XII of the Consumer Protection Act 1999 which took effect on 15 October 1999. Part XII of the Act contains 38 sections governing various aspects of the Tribunal such as membership of the Tribunal, jurisdiction of the Tribunal, proceedings of the Tribunal and awards of the Tribunal.¹

This Tribunal is an independent body with the main function to hear and determine claims reported by consumers under the Consumer Protection Act 1999 which is subjected to the provisions of the Act.

Before its establishment, all disputes between a consumer and a supplier or manufacturer had to be brought before a civil court. However, there are too many weaknesses of bringing the disputes before the civil court. The defects include complicated procedures, high costs and time consuming. These are some of the reasons why consumers are reluctant to pursue their claims against irresponsible and dishonest suppliers or manufacturers especially when the amount claimed is small.

Even though presently there is in existence the Small Claims Court² but the proceedings are heard in the Magistrate Court. The Court will handle disputes between individuals or an individual making a claim against a business using the formalities of normal civil court. Hence, it has no different than bringing the claim

¹ <http://tspm.kpdnhep.gov.my/portal/> accessed on 17th March 2009

² Order 54 Small Claims Procedures of the Subordinate Courts Rules 1980